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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of

Billed Party Preference
for 0+ InterLATA Calls

CC Docket No. 92-77

Comments of the Michigan Department of Corrections

At the present time, the Department of Corrections has strong policies regarding the use of prisoner phones in its facilities. These policies are in place for public safety and institutional security and control. We are in the process of adding security features which will allow tighter control of prisoner telephone calls, help to eliminate fraud against the public, deny prisoners the use of the telephone to be used as a weapon against prison authorities, and development of the prisoner phone system as an intelligence tool within the Department. If BPP is enacted the Department would not fulfill its obligation to maintain restrictions on prisoner phones; therefore, we would like to see prisoner phones exempt from BPP.

Our specific objections to enactment of BPP are as follows:

1. The Department of Corrections does not see its prisoner phones as being public phones.

In the FCC Docket No. 92-77, on page 3, "public phones" is defined as: "payphones and other aggregator phones, including hotel phones. Under the Communications Act, as amended, an aggregator is any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for interstate telephone calls using a provider of operator services."

The Department of Corrections does not feel that this definition should apply to prisoner phones, as we do not view prisoners as "transient users".

2. This service would apply to collect calls, calling card calls, or bill-to-third number calls.

Prisoners in the Department do not possess and nor are they allowed the use of telephone credit cards. Prisoners are not allowed to order or use credit card numbers or phone card numbers to place calls or bill to a third party.

Currently, all prisoner phones are engineered for collect-only operator/system assisted calls. Without this restriction, the prisoner can (and has) gain (ed) access to an open network and is able to make unlimited, unrestricted calls to harass and defraud the public. On numerous occasions, prison staff have confiscated pages of telephone credit card numbers. In addition, to creating disorder with the public, it negatively impacts upon the security and control of the prisoner population.

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3. Prisoner telephone traffic assigned to one inter-exchange carrier provides for controls to protect the public from fraudulent and harassing calls.

Prior to passing the call to the called party, the operator services provider (OSP) identifies the call as a call coming from a correctional facility and the called party has the opportunity to accept or deny the call based upon this knowledge. The prisoner is on hold while the call is being verified. The purpose of this process is to protect witnesses, victims and the unsuspecting public from receiving unwanted harassing and threatening calls.

By Department policy prisoner telephone usage is considered a privilege. The exception to this is in event of a verified emergency or to call an attorney. A prisoner who abuses telephone privileges may be restricted in the use of the telephone. When arrangements can not be made with local telephone companies for special phone facilities for prisoner use, prisoners are restricted to emergency telephone usage only.

The State of Michigan has recently passed legislation enabling correctional facilities to record prisoner telephone calls. A provision of this law requires that the prisoner as well as the called party be made aware that the call may be recorded. In the current collect call environment, the pre-subscribed OSP will include that information in the call verification process. In a BPP environment the OSP has little or no incentive to work with the Department to provide this information.

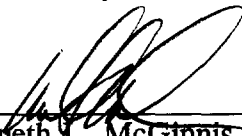
4. BPP will eliminate the Departments sensitivity to the cost of collect calls to inmate families and the use of revenue sharing arrangements for prison operations.

The Department is sensitive to the possibility of families and friends encountering high telephone bills. By policy, the Department encourages outside contact by correspondence. By contract, the Department stipulates that the interexchange carrier's rates be determined by using current FCC approved V and H coordinate methodology. Usage charges by a regulated carrier must compare with their approved tariffs for a comparable collect call. If unregulated, a company cannot charge higher than charges rendered to other customers using the same or similar service. This self-imposed cap keeps billed parties from being charged an unreasonable rate. It is our feeling those controls will not be there in a BPP environment.

The Department uses revenue from telephone commissions to finance prison operations. All revenue generated by prisoner collect calls is used exclusively for the benefit of prisoners. Without these funds, the Department would have to make reductions in the Department's operating funds to make up for the loss.

The operation of prisoner phones is critical to the Department. We oppose BPP and consider it a federal effort that would strip the Department of the responsibility over the welfare of prisoners and the public, and would be a more costly and ineffective way of handling rate monitoring.

Submitted by:



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